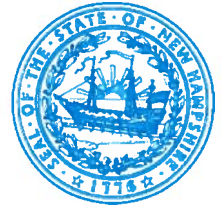




The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Clark B. Freise, Assistant Commissioner**

February 28, 2017

The Honorable Carol McGuire, Chair  
House Executive Departments and Administration Committee  
Legislative Office Building, Room 306  
Concord, New Hampshire 03301

**RE: HB 101, An Act relative to certification for solid waste operators**

Dear Chair McGuire and Members of the Committee:

Thank you for the opportunity to testify on HB 101. This bill would change the term of a solid waste facility operator's certification from one year to three years with no corresponding change in the \$50 fee currently required by statute. In addition, the bill would exempt persons who volunteer to work at a solid waste facility from the requirement to be certified, when working under the direct supervision of certified personnel. The New Hampshire Department of Environmental Services (NHDES) opposes this bill.

NHDES opposes HB 101 because it allows untrained persons to engage in potentially hazardous activities when volunteering to work at a solid waste facility and because it significantly reduces a source of revenue that will adversely impact the level of services and training NHDES can provide to the public. NHDES presented these concerns to the House Environment and Agriculture Committee in oral and written testimony on January 17, 2017. A copy of NHDES's letter presented to the House Environment and Agriculture Committee (House E&A Committee) describing our opposition in more detail is attached for your reference. HB 101 has not changed from the version reviewed by the House Environment and Agriculture Committee, and NHDES remains opposed to HB 101 for the reasons stated in the January 17, 2017 letter.

NHDES appreciates the opportunity to provide additional information for the House Executive Departments and Administration Committee to consider in its evaluation of HB 101. Specifically, we would like to address the concerns that the House E&A Committee stated in its majority report that 1) the solid waste operator certification program is overly burdensome and 2) that no other state requires such frequent certification for solid waste operators.

In its majority report supporting its recommendation that HB 101 Ought to Pass, the House E&A Committee stated *"Other professional workers in New Hampshire have longer certification periods. For example, certifications for police last three years, public school teachers – four years, and EMTs – two years. This list clearly indicates that solid waste workers are excessively regulated. This bill offers sensible relief."*

NHDES does not believe that the conclusion that solid waste workers are excessively regulated is based on an appropriate comparison of professional certification requirements. The "certification period" referenced by the House E&A Committee pertains solely to the requirement to annually submit an application for recertification and pay the associated \$50 fee. The effort required to maintain a professional certification is not defined solely by how often an application for recertification is required, or by the amount of the associated fee. The other requirement, common to most professional certifications, is to complete continuing professional education.

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Solid waste operators are required to complete 2.5 hours of continuing professional education per year. Police are required to complete continuing professional education consisting of at least 8 hours every year, teachers at least 75 hours every three years, and EMTs at least 72 hours every two years. The certification renewal fees for all those professions are also higher than the current \$50 per year required for solid waste operators. The requirements to maintain certification as a solid waste operator are not more rigorous, or more costly, than that required of police, teachers, or EMTs. In fact, the continuing education requirements for solid waste operators are modest, when compared to the requirements of these professions.

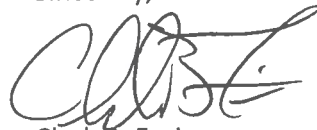
NHDES believes that 2.5 hours of continuing professional education for solid waste operators is appropriate and that no relief from regulatory requirements is warranted. Even if one believes that 2.5 hours of continuing education per year for solid waste operators is excessive, HB 101 would not change this requirement. The 2.5 hour per year continuing education requirement is established by regulation and is not affected by HB 101. HB 101 would not significantly reduce the "regulatory burden" for solid waste operators, but it would cut a source of NHDES's revenue by approximately 2/3.

In its majority report supporting its recommendation that HB 101 Ought to Pass, the committee also stated that "No other state requires such frequent certification for solid waste operators." It appears that the committee was not provided with accurate or complete information. While NHDES acknowledges that some states do have less rigorous solid waste operator certification requirements, at least one state, Arkansas, has the same annual certification period, but with a higher (6 hours) continuing professional education requirement. NHDES maintains that New Hampshire's certification requirements are appropriate for professionals operating New Hampshire solid waste facilities.

NHDES appreciates this opportunity to provide testimony regarding HB 101 to the House Executive Departments and Administration Committee. NHDES hopes that this committee, which routinely deals with professional certification and licensure requirements, will agree that regulatory relief is not required and, even if it were, that this bill would not provide appropriate relief. NHDES reiterates that this bill does, however, reduce a source of funding that the NHDES uses to help provide information to the public and the regulated community. For these reasons, and those previously presented in our January 17, 2017 letter, NHDES remains opposed to HB 101.

Thank you for the opportunity to comment on HB 101. If you have questions or need additional information, please contact Tara Mae Albert, Solid Waste Operator Training & Certification Program Coordinator ([Tara.Albert@des.nh.gov](mailto:Tara.Albert@des.nh.gov), 271-3713) or Pamela Hoyt-Denison, Administrator of Waste Programs ([Pamela.Hoyt-Denison@des.nh.gov](mailto:Pamela.Hoyt-Denison@des.nh.gov), 271-2945).

Sincerely,



Clark B. Freise  
Assistant Commissioner

cc: Sponsors of HB 101: Reps. Manley, McNamara